

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Petition of the City of Onalaska for a Determination of the Adequacy of Warning Devices at the Grade Crossing of the BNSF Railway Company Tracks with 2nd Avenue SW and Irvin Street in the City of Onalaska, La Crosse County

9020-RX-156

FINDINGS OF FACT AND ORDER

On September 16, 2005, the City of Onalaska filed a petition with the Office of the Commissioner of Railroads (OCR) for a determination under §195.28, Stats., of the adequacy of warning devices at the grade crossing of the BNSF Railway Company (BNSF) tracks with 2nd Avenue SW and Irvin Street in the City of Onalaska, La Crosse County (Crossing No. 079 897G / MP 303.10 and 079 898N / MP 303.61).

An OCR investigator inspected the crossings in June 2006. No hearing was held.

Findings of Fact

THE COMMISSIONER FINDS:

The BNSF operates about 43 train movements per day over these crossings at a timetable speed of 60 mph. The crossings consist of two mainline tracks. The 2nd Avenue SW crossing also has a spur track.

Both the 2nd Avenue SW and the Irvin Street crossings have modern 12" automatic flashing lights with gates and constant warning time circuitry for warning devices. The existing warning devices are adequate.

The City of Onalaska requested an inspection and recommendations for the purpose of establishing a federal quiet zone. The quiet zone rules are federal regulations promulgated by the Federal Railroad Administration (FRA) (see 49 CFR 222) and the OCR plays no formal role in approving the establishment of quiet zones. The process to obtain a new quiet zone is complex and requires an individualized analysis for each location. The minimum requirement is that each public roadway crossing must have automatic flashing lights and gates at a minimum. Both these crossings meet that requirement. The federal rules outline various supplemental measures that can improve safety and compensate for the absence of the train horn. Use of these measures help municipalities qualify for quiet zones. A great deal of information is available at the FRA web site: <http://www.fra.dot.gov/>

Supplementary Safety Measure (SSM): SSMs are engineering improvements, which when installed at crossings within a quiet zone, would reduce the risk of a collision at the crossing. SSMs are installed to reduce the risk level either to the level that would have existed if the train horn were sounded (compensating for the lack of the train horn) or to a level below the Nationwide Significant Risk Threshold.

Alternative Safety Measure (ASM): A safety system or procedure provided by the appropriate traffic control authority which, after individual review and analysis, is determined by the FRA to be an effective substitute for the locomotive horn at specific crossings.

Conclusion on the Issue

THE COMMISSIONER CONCLUDES:

That the existing warning devices adequately protect and promote public safety, at the crossings of the tracks of the BNSF Railway Company with 2nd Avenue SW and Irvin Street in the City of Onalaska, La Crosse County.

Conclusion of Law

THE COMMISSIONER CONCLUDES:

That the jurisdiction of the Office of the Commissioner of Railroads under §195.28, Stats., extends to this matter. Accordingly, the Office enters an order consistent with the findings of fact.

Order

THE COMMISSIONER ORDERS:

1. That the **BNSF Railway Company** shall maintain the existing warning devices at the crossings of its tracks with 2nd Avenue SW and Irvin Street at-grade in the City of Onalaska, La Crosse County (Crossing Nos. 079 897G / MP 303.10 and 079 898N / MP 303.61).
2. That if the petitioner, railroad or any interested party objects to this order and requests a hearing within 20 days of the date of this order in writing, the Office will hold a public hearing.
3. That jurisdiction is retained.

Dated at Madison, Wisconsin, (June 29, 2006).

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads